

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: June 21, 2019
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2019-04 Deveny (Martin)

Action Requested

Consider Client Security Fund Committee's recommendation that the board grant claimant Max Martin's claim of \$50,000 in the matter of CSF Claim No. 2019-04 Deveny (Martin).

Discussion

Claimant Martin hired Ms. Deveny on January 27, 2014 to represent him in obtaining damages for injuries sustained in a motor vehicle accident on January 9, 2014. As a result of the accident, he suffered severe injuries, including but not limited to a traumatic brain injury. He agreed to a contingent fee agreement, in which Ms. Deveny was to receive one-third of any settlement.

In June 2014, Ms. Deveny settled the case for \$150,000 with Farmers Insurance. Mr. Martin received approximately \$16,000 of the settlement.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending. Up until late 2018, Mr. Martin was under the impression his case was still pending until the Portland Police Department contacted him about Ms. Deveny's alleged theft. Federal and state charges are pending against Ms. Deveny alleging theft, criminal mistreatment, wire fraud and tax evasion.

At its May 11, 2019 meeting, the Client Security Fund Committee reviewed Mr. Martin's claim and unanimously voted to recommend that the Board reimburse him for \$50,000 of his loss. (CSF Rule 4.7 capped at \$50,000 – his total loss was for \$94,893.51).

Mr. Martin's claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Mr. Martin has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship under CSF Rule 2.6, based upon his circumstances and the available evidence.

Staff recommends that the board approve the claim in the amount of \$50,000, consistent with the CSF Committee's recommendation.